

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

SHAWN C. BYRD,

Plaintiff,

Case No. 3:20-cv-136

vs.

ANGEL SHIVERDECKER,

Defendant.

District Judge Thomas M. Rose  
Magistrate Judge Michael J. Newman

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**ORDER AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (DOC. 4); (2) DISMISSING *PRO SE* PLAINTIFF'S COMPLAINT PURSUANT TO 28 U.S.C. § 1915; (3) DIRECTING THAT SERVICE OF PROCESS NOT ISSUE; (4) TERMINATING THIS CASE ON THE DOCKET; AND (5) CERTIFYING THAT ANY APPEAL WOULD BE FRIVOLOUS AND NOT TAKEN IN GOOD FAITH AND, THEREFORE, DENYING *IN FORMA PAUPERIS* STATUS ON APPEAL**

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The Court has reviewed the Report and Recommendation of Magistrate Judge Michael J. Newman (doc. 4), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge (doc. 4) in its entirety; (2) **DISMISSES** *pro se* Plaintiff's complaint pursuant to 28 U.S.C. § 1915; (3) **DIRECTS** that service of process not issue; and (4) **TERMINATES** this case on the Court's docket. In addition, the Court **CERTIFIES** that any appeal would be frivolous and not taken in good faith and, therefore, **DENIES** Plaintiff *in forma pauperis* status on appeal.

**IT IS SO ORDERED.**

Date: June 11, 2020

\*s/Thomas M. Rose  
Thomas M. Rose  
United States District Judge